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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,362	10/16/2001	Bernd Hessing	10191/1832	3262
26646	7590	06/14/2005	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			ROBERTS, BRIAN S	
			ART UNIT	PAPER NUMBER
			2662	
DATE MAILED: 06/14/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/857,362	Applicant(s) HESSING ET AL.	
	Examiner Brian Roberts	Art Unit 2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/16/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/4/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-17 have been cancelled.

Claims 18-35 have been examined.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 18-26 and 28-30 rejected under 35 U.S.C. 102(e) as being anticipated by Israni et al. (US 2002/0194170 A1)

- In reference to claim 18

In Figure 1, Israni et al. teaches a method of transmitting digitally coded traffic according to pre-established specifications or formats [0004], between a transmitter and receiver via a unidirectional channel that includes:

- Transmitting according to a subset of to pre-established specification or formats wherein the subset is the specification that governs a RDS-TMC system [0004-0005]

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- Coding, transmitting, and decoding the digitally coded traffic information according to the subset

- In reference to claim 19, 20

In Figure 3, Israni et al. further teaches a method that includes:

- The specification governing a RDS-TMC system provides for data components 50(1)-50(6) (Information options) [Paragraph 0043]
- The data components 50(1)-50(6) provide for a traffic message 50 (information block) [Paragraph 0043]

- In reference to claim 21

In Figure 3, Israni et al. further teaches a method that includes:

- The traffic message 50 (Information block) provides for a data component 50(1)-50(6) (single-information option) [Paragraph 0043]
- The event component 50(1) includes data that describe a traffic problem 50(1)(1) (first extent-of-increase symbol) and data that describe a level of severity 50(1)(2) (second extent-of-increase symbol) [Paragraph 0044]

- In reference to claim 22

In Figure 3, Israni et al. further teaches a method that includes:

- The extent component 50(4) includes data that identify a length of traffic congestion queue with respect to the location 50(2) (item of length information) [Paragraph 0047]

- In reference to claim 23

In Figure 3, Israni et al. further teaches a method that includes:

- The advice component 50(6) provides a recommendation for a diversion of route [Paragraph 0023]

- In reference to claim 24

In Figure 3, Israni et al. further teaches a method that includes:

- The specification governing the RDS-TMC system provides for data components 50(1)-50(6) (Information portion) [Paragraph 0043]
- Data components 50(1)-50(6) provide for Location 50(2) information [Paragraph 0048]
- Location 50(2) information is in coded form according to Location Number 51(1), Location Table Number 51(2), Country Code 51(3), and a direction 51(4) [Paragraph 0048]

- In reference to claim 25, 30

In Figure 2, Israni et al. teaches a navigation system (110) for decoding the digitally coded traffic broadcast [Paragraph 0054] according to a subset of pre-

established specifications or formats wherein the subset is the specification that governs a RDS-TMC system [0004-0005]

- In reference to claim 26

In Figure 2, Israni et al. teaches a navigation system (110) that includes:

- A traffic message receiver (125) for receiving the digitally coded traffic broadcast [Paragraph 0054]

- In reference to claim 28

In Figure 2, Israni et al. teaches a navigation system (110) that includes:

- A processor (112) that receives input from the receiver (125) of the digitally coded traffic broadcast according to a subset of pre-established specifications or formats wherein the subset is the specification that governs a RDS-TMC system [0004-0005]

- In reference to claim 29

In Figure 2, Israni et al. teaches a navigation system (110) that includes:

- A non-volatile memory (116) and RAM (120) for storing digitally coded traffic broadcast

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3. Claims 31-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Beyer et al. (US 6070123)

- In reference to claim 31

In Figure 1, Beyer et al. teaches a method and system with a bidirectional link, such as a digital GSM network, (column 1 lines 59-62) between a vehicle and a control unit (1) that includes:

- A Mobile Wireless System (3) digitally coding the route information (column 4 lines 47-53) according to a subset of the predetermined regulations wherein the subset is the regulations that govern a RDS-TMC system (column 1 lines 40-58)

- In reference to claim 32, 33

In Figure 1, Beyer et al. teaches a method and system with a bidirectional link, such as a digital GSM network, (column 1 lines 59-62) between a vehicle and a control unit (1) that includes:

- A Mobile Wireless System (3) that inherently includes a transmitter on the Central unit (1) side for transmitting the digitally coded route information to the terminal (4) in the vehicle (column 4 lines 47-53)
- A Mobile Wireless System (3) that inherently includes a receiver on the Central unit (1) side for receiving the information entered to the central unit (1) from the vehicle (column 4 lines 47-53)

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- In reference to claim 34

In Figure 1, Beyer et al. teaches a method and system with a bidirectional link, such as a digital GSM network, (column 1 lines 59-62) between a vehicle and a control unit (1) that includes:

- A Mobile Wireless System (3) with a TMC coder for coding the route information according to a subset of the predetermined regulations wherein the subset is the regulations that govern a RDS-TMC system (column 1 lines 40-58)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Israni et al. (US 2002/0194170 A1) in view of Beyer et al. (US 6070123)

- In reference to claim 27

Israni et al. teaches a system and method that covers substantially all limitations of the parent claim.

Israni et al. does not teach a receiver having a transmitting unit for transmitting a signal including at least one of an information inquiry.

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In Figure 1, Beyer et al. teaches a method and system with a bidirectional link, such as a digital GSM network, (column 1 lines 59-62) between a vehicle and a central unit central unit (1) that includes:

- A Mobile Wireless System (3) that inherently includes a transmitter on the vehicle for transmitting a route request consisting of digitally coded route information to the central unit (1) so the central unit (1) can determine a route (column 4 lines 47-53)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the system and method of Israni et al to include a transmitter as taught by Beyer et al. because the transmitter allows two-way communication between vehicles and control centers and allows the vehicles to request information from the control centers.

6. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beyer et al. (US 6070123) in view of Israni et al. (US 2002/0194170 A1)

- In reference to claim 35

Beyer et al. teaches a system and method that covers substantially all limitations of the parent claim.

Beyer et al. does explicitly teach a memory for storing a traffic message.

In Figure 2, Israni et al. teaches a navigation system (110) that includes:

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- A non-volatile memory (116) and RAM (120) for storing digitally coded traffic broadcast

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the system and method of Beyer et al. to include memory as taught by Israni et al. because the memory allows the digitally coded traffic broadcast to be stored and accessed later.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Ruhl et al. (US 5991610) teaches a memory structure for use in a RDS-TMC broadcast receiver, particularly for providing traffic or geographic information
- Van Roekel (US 6163751) teaches a RDS-TMC receiver and navigation system for a vehicle.
- Israni et al. (US 6438561 B1) teaches a method and system for using real-time traffic broadcasts with navigation systems
- Bailey et al. (US 5592172) teaches a method and system for describing a geographical area to a communications network that includes bidirectional links.
- Berninger (US 5355526) teaches a RDS/TMC receiver that includes a decoder and memory.
- Thoone (US 5603108) teaches a control section for a radio receiver that receives and decodes information transmitted in coded form in the RDS in its TMC.


- Mohlenkamp et al. (US 6178374 B1) teaches a method and device for transmitting data on traffic assessment.
- Wassink et al. (US 5724644) teaches a method of and receiver for processing and reproducing a message.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Roberts whose telephone number is (571) 272-3095. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BSR
06/10/2005


JOHN PEZZLO
PRIMARY EXAMINER